

UNITED STATES DISTRICT COURT
for the

Western District of North Carolina

United States of America)

v.)

JOSEPH OREN NELUMS)

Case No: 3:03CR00036-003

USM No: 23833-018

Date of Previous Judgment: December 15, 2003)

David Burgess

(Use Date of Last Amended Judgment if Applicable)

) Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months is reduced to _____.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 29

Amended Offense Level: 27

Criminal History Category: V

Criminal History Category: V

Previous Guideline Range: 240 to 240 months

Amended Guideline Range: 240 to 240 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☐ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☒ Other (explain): No reduction as the guideline range remains unchanged due to the mandatory minimum sentence of 240 months.


III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated 12/15/2003 shall remain in effect.

IT IS SO ORDERED.

Order Date: June 15, 2009

Effective Date: _____
(if different from order date)


Frank D. Whitney
United States District Judge

